

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN JEFFREY ELLIS,

Plaintiff,

Case No. 15-13985

v.

Honorable John Corbett O'Meara

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER GRANTING PLAINTIFF'S MOTION FOR ATTORNEY FEES

This matter came before the court on plaintiff Brian Jeffrey Ellis' March 21, 2018 motion for attorney fees. Defendant filed a response April 4, 2018; and Plaintiff filed a reply brief April 6, 2018. Pursuant to Local Rule 7.1(f)(2), no oral argument was heard.

Following an award of disability benefits, Plaintiff Ellis seeks an award of attorney fees in the amount of \$21,442.50 to be paid directly to his legal counsel Robert K. Gaecke, Jr. In the response brief, Commissioner points out that Plaintiff's counsel was previously paid \$6,000 of the requested amount, leaving \$15,442.50 remaining at issue. Plaintiff, in his reply brief, agrees. Plaintiff's counsel also concedes that he cannot collect both a fee pursuant to 42 U.S.C. § 406(b) and the

\$6,373.39 in attorney fees and costs that were awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412. The latter amount is to be refunded to plaintiff Ellis.

ORDER

It is hereby **ORDERED** that Plaintiff's motion for attorney fees is **GRANTED** in the amount of \$15,442.50, payable to Plaintiff's counsel.

s/John Corbett O'Meara
United States District Judge

Date: May 8, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, May 8, 2018, using the ECF system.

s/William Barkholz
Case Manager